

HOUSE BILL No. 1483

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28; IC 20-29; IC 20-40-14.

Synopsis: Various education issues. Provides that a transition to teaching program participant may obtain a license to teach in prekindergarten if the participant meets certain requirements. Provides that a school corporation may include and account for proceeds from rental income, or earnings generated by other corporation activities, in separate funds apart from the general fund. Provides that money received from the proceeds of rental income, or earnings generated by other corporation activities, may be disbursed without appropriation. Provides that if the school is closed on a noninstructional day on which the teacher is required to work or teacher professional development training or education is provided and the work day or the training or education is rescheduled, each teacher shall work on that rescheduled day without additional compensation. Provides that a district wide or school wide committee that has teacher members who are members of the exclusive representative and teacher members who are not members of the exclusive representative may address discussion topics subject to bargaining. Provides that a provision relating to local salary scale increases applies upon the expiration of a contract or part of a contract in existence on July 1, 2011. Provides for the reimbursement of a mediator in a collective bargaining proceeding. Provides that the Indiana education employment relations board (IEERB) may appoint a financial consultant to assist a factfinder during mediation. Provides for reimbursement of IEERB by the parties involved in mediation. Provides that the complaint for an unfair practice must be filed within three years after the alleged unfair practice or within three years after
(Continued next page)

Effective: July 1, 2015.

Thompson

January 14, 2015, read first time and referred to Committee on Education.



Digest Continued

the date on which the school employer or school employee reasonably should have known of the alleged unfair practice. Provides that a person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of two years except by the mutual consent of the parties. Changes the date in which a factfinding hearing in an impasse procedure must occur. Provides that the factfinding process in an impasse procedure may not exceed 30 days. Urges the legislative council to assign to an existing study committee the topic of determining appropriate and feasible incentives to encourage highly effective teachers to teach in poor performing schools.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1483

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-28-4-4, AS AMENDED BY P.L.192-2014,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 4. An entity approved by the department may
4 establish a course of study that meets the requirements of this section.
5 A program approved under this section must comply with the following
6 requirements:
7 (1) Include the following study requirements:
8 (A) For a program participant who seeks to obtain a license to
9 teach in grades 5 through 12, up to eighteen (18) credit hours
10 of study or the equivalent that:
11 (i) prepares a program participant to meet Indiana standards
12 for teaching in the subject areas corresponding to the area in
13 which the program participant has met the education
14 requirements under section 5 of this chapter, unless the
15 program participant demonstrates that the program



participant requires fewer credit hours of study to meet Indiana standards for teaching; and

(ii) provides the program participants with instruction in scientifically based reading instruction.

(B) For a program participant who seeks to obtain a license to teach in ~~kindergarten~~ **prekindergarten** through grade 6, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching scientifically based reading instruction, that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(C) For a program participant who seeks a license to teach in prekindergarten through grade 3, twenty-four (24) credit hours of study (or the equivalent) that must include at least six (6) credit hours in teaching scientifically based reading instruction and that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on student mastery of standards established by the state.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 2. IC 20-28-4-5, AS AMENDED BY P.L.192-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grades 5 through 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the subject area that the individual intends to teach.

(B) A graduate degree from an accredited postsecondary educational institution in the subject area or a related field that the individual intends to teach.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience;



- 1 in the subject or a related area that the individual intends to
 2 teach.
- 3 (D) Both:
- 4 (i) a bachelor's degree from an accredited postsecondary
 5 educational institution; and
- 6 (ii) proof that the individual has passed the state approved
 7 content area examination in the subject area that the
 8 individual intends to teach.
- 9 (2) For a program participant who seeks to obtain a license to
 10 teach in ~~kindergarten~~ **prekindergarten** through grade 6, one (1)
 11 of the following:
- 12 (A) A bachelor's degree or the equivalent with a grade point
 13 average of at least three (3.0) on a four (4.0) point scale from
 14 an accredited institution of higher education.
- 15 (B) Both:
- 16 (i) a bachelor's degree from an accredited postsecondary
 17 educational institution with a grade point average of at least
 18 two and five-tenths (2.5) on a four (4.0) point scale; and
- 19 (ii) five (5) years professional experience in an education
 20 related field, as determined by the department.
- 21 (C) Both:
- 22 (i) a bachelor's degree from an accredited postsecondary
 23 educational institution; and
- 24 (ii) proof that the individual has passed the state approved
 25 content area examination in the subject area that the
 26 individual intends to teach.
- 27 (3) For a program participant who seeks to obtain a license to
 28 teach in prekindergarten through grade 3, one (1) of the
 29 following:
- 30 (A) A bachelor's degree or the equivalent with a grade point
 31 average of at least three (3.0) on a four (4.0) point scale from
 32 an accredited institution of higher education.
- 33 (B) Both:
- 34 (i) a bachelor's degree from an accredited postsecondary
 35 educational institution with a grade point average of at least
 36 two and five-tenths (2.5) on a four (4.0) point scale; and
- 37 (ii) five (5) years professional experience in an education
 38 related field, as determined by the department.
- 39 (C) Both:
- 40 (i) a bachelor's degree from an accredited postsecondary
 41 educational institution; and
- 42 (ii) proof that the individual has passed the state approved



1 content area examination in the subject area that the
 2 individual intends to teach.

3 SECTION 3. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013,
 4 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2015]: Sec. 1.5. (a) This subsection applies to a contract in
 6 effect July 1, 2012, or upon the expiration of a contract **or part of a**
 7 **contract** in existence on July 1, 2011, whichever is earlier, and governs
 8 salary increases for a teacher employed by a school corporation on or
 9 after the date this subsection takes effect. Compensation attributable to
 10 additional degrees or graduate credits earned before the effective date
 11 of the local salary schedule created under this chapter shall continue.
 12 Compensation attributable to additional degrees for which a teacher has
 13 started course work before July 1, 2011, and completed course work
 14 before September 2, 2014, shall also continue.

15 (b) Increases or increments in a local salary scale must be based
 16 upon a combination of the following factors:

17 (1) A combination of the following factors taken together may
 18 account for not more than thirty-three percent (33%) of the
 19 calculation used to determine a teacher's increase or increment:

20 (A) The number of years of a teacher's experience.

21 (B) The attainment of either:

22 (i) additional content area degrees beyond the requirements
 23 for employment; or

24 (ii) additional content area degrees and credit hours beyond
 25 the requirements for employment, if required under an
 26 agreement bargained under IC 20-29.

27 (2) The results of an evaluation conducted under IC 20-28-11.5.

28 (3) The assignment of instructional leadership roles, including the
 29 responsibility for conducting evaluations under IC 20-28-11.5.

30 (4) The academic needs of students in the school corporation.

31 (c) A teacher rated ineffective or improvement necessary under
 32 IC 20-28-11.5 may not receive any raise or increment for the following
 33 year if the teacher's employment contract is continued. The amount that
 34 would otherwise have been allocated for the salary increase of teachers
 35 rated ineffective or improvement necessary shall be allocated for
 36 compensation of all teachers rated effective and highly effective based
 37 on the criteria in subsection (b).

38 (d) A teacher who does not receive a raise or increment under
 39 subsection (c) may file a request with the superintendent or
 40 superintendent's designee not later than five (5) days after receiving
 41 notice that the teacher received a rating of ineffective. The teacher is
 42 entitled to a private conference with the superintendent or



1 superintendent's designee.

2 (e) Not later than January 31, 2012, the department shall publish a
3 model salary schedule that a school corporation may adopt.

4 (f) Each school corporation shall submit its local salary schedule to
5 the department. The department shall publish the local salary schedules
6 on the department's Internet web site.

7 (g) The department shall report any noncompliance with this section
8 to the state board.

9 (h) The state board shall take appropriate action to ensure
10 compliance with this section.

11 (i) This chapter may not be construed to require or allow a school
12 corporation to decrease the salary of any teacher below the salary the
13 teacher was earning on or before July 1, 2012, if that decrease would
14 be made solely to conform to the new salary scale.

15 (j) After June 30, 2011, all rights, duties, or obligations established
16 under IC 20-28-9-1 before its repeal are considered rights, duties, or
17 obligations under this section.

18 SECTION 4. IC 20-28-9-15, AS ADDED BY P.L.1-2005,
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2015]: Sec. 15. **(a) Except as provided in subsections (b)**

21 **and (c),** if during the term of the teacher's contract:

22 (1) the school is closed by order of the:

23 (A) school corporation; or

24 (B) health authorities; or

25 (2) school cannot be conducted through no fault of the teacher;
26 the teacher shall receive regular payments during that time.

27 **(b)** If a canceled student instructional day (as defined in
28 IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher
29 and (notwithstanding IC 20-27-8-7) each school bus driver shall work
30 on that rescheduled day without additional compensation.

31 **(c) If a school is closed under subsection (a) on a day that is not**
32 **an instructional day:**

33 **(1) on which the teacher is required to work and that work**
34 **day is rescheduled; or**

35 **(2) on which teacher professional development training or**
36 **education is provided and the training or education is**
37 **rescheduled;**

38 **each teacher required to work or attend the teacher professional**
39 **development training or education shall work or attend the**
40 **training or education on that rescheduled day without additional**
41 **compensation.**

42 SECTION 5. IC 20-29-5-7, AS ADDED BY P.L.48-2011,



SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section does not apply to the bargaining team for the exclusive representative.

(b) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created district wide committee may not exceed the percentage of teachers in the school corporation who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school corporation who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(c) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created school wide committee may not exceed the percentage of teachers in the school who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(d) A committee to which this section applies may not address subjects of bargaining under ~~this article~~. **IC 20-29-6-4**. A school employer's appointment of a teacher to a committee is not an unfair practice as it relates to the appointment of the teacher committee members.

(e) By September 15 of each school year, the local president or other officer or designee of the exclusive representative shall certify by affidavit to the school employer the number of teachers in each school and in the entire school corporation who are members of the exclusive representative.

SECTION 6. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A school employer shall discuss with ~~the exclusive representative~~ **a committee** of certificated employees **established under IC 20-29-5-7** the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment,



and retention of certificated employees.

(5) Student discipline.

(6) Expulsion or supervision of students.

(7) Pupil/teacher ratio.

(8) Class size or budget appropriations.

(9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.

(10) Hours.

SECTION 7. IC 20-29-6-13, AS AMENDED BY P.L.6-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) If, at any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, the board shall appoint a mediator from the board's staff or an ad hoc panel.

(b) The mediator shall begin mediation within fifteen (15) days after the board receives notice of impasse.

(c) The mediation must consist of **at least one (1) but** not more than three (3) mediation sessions and must result in one (1) of the following:

(1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.

(2) **The exchange of** each party's last best offer, including fiscal rationale, related to items permitted to be bargained under section 4 of this chapter.

(d) Costs for the mediator shall be borne equally by the parties. **The board will initially reimburse the mediator for the mediator's services performed. Parties shall reimburse the board by paying all costs associated with mediation within thirty (30) days after receiving the invoice from the board.**

(e) Mediation shall be completed within thirty (30) days.

SECTION 8. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within ~~fifteen (15)~~ **thirty (30)** days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and



1 must not put the employer in a position of deficit financing (as defined
2 in IC 20-29-2-6). The factfinder's order may not impose terms beyond
3 those proposed by the parties in their last, best offers.

4 (c) **The board may appoint a financial consultant to assist the**
5 **factfinder during the factfinding process.** Costs for the factfinder
6 **and a financial consultant** shall be borne equally by the parties. **The**
7 **board shall initially reimburse the factfinder or financial**
8 **consultant for their services. Parties shall reimburse the board by**
9 **paying all costs associated with the factfinding within thirty (30)**
10 **days after receiving an invoice from the board.**

11 (d) Factfinding may not last longer than fifteen (15) days.

12 SECTION 9. IC 20-29-7-4, AS ADDED BY P.L.1-2005, SECTION
13 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
14 2015]: Sec. 4. (a) Unfair practices are remediable under this section.

15 (b) A school employer or a school employee who believes the
16 employer or employee is aggrieved by an unfair practice may file a
17 complaint under oath:

18 (1) setting out a summary of the facts involved; and

19 (2) specifying the section or sections of this article alleged to have
20 been violated.

21 **The complaint must be filed within three (3) years after the alleged**
22 **unfair practice or within three (3) years after the date on which the**
23 **school employer or school employee reasonably should have known**
24 **of the alleged unfair practice.**

25 (c) The board shall:

26 (1) give notice to the person or school employee organization
27 against whom the complaint is directed; and

28 (2) determine the matter raised in the complaint.

29 (d) Appeals may be taken under IC 4-21.5-3.

30 (e) A hearing examiner or agent of the board, who may be a member
31 of the board, may:

32 (1) take testimony; and

33 (2) make findings and conclusions.

34 (f) The board, but not a hearing examiner or agent of the board, may
35 enter the interlocutory orders, after summary hearing, the board
36 considers necessary in carrying out the intent of this chapter.

37 SECTION 10. IC 20-29-8-7, AS AMENDED BY P.L.229-2011,
38 SECTION 183, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a factfinder is
40 requested or required under IC 20-29-6, the board shall appoint a
41 factfinder from the **board's staff. or panel established under section 6**
42 **of this chapter.**



(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder:

(1) may restrict the factfinder's findings to those issues that the factfinder determines significant;

(2) must restrict the findings to the items listed in IC 20-29-6-4; and

(3) may not impose terms beyond those proposed by the parties in their last, best offers.

(d) The factfinder may use evidence furnished to the factfinder by:

(1) the parties;

(2) the board;

(3) the board's staff; or

(4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by ~~December 31 of the same year.~~ **February 1 of the following calendar year.**

(f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)** days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

(1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and

(2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

(1) the report; or



(2) the board's own possession.

The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board.

SECTION 11. IC 20-29-8-10.1, AS ADDED BY P.L.229-2011, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.1. A person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of ~~five (5)~~ **two (2)** years except by the mutual consent of the parties.

SECTION 12. IC 20-40-14-1, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in this section, money received by a school corporation **from the proceeds of rental income, or earnings generated by other school corporation activities, or** for a specific purpose or purposes, by gift, endowment, or under a federal statute, may be accounted for by establishing separate funds apart from the general fund.

(b) Subsection (a) does not apply if local tax funds are involved.

(c) Money described in subsection (a) may not be accepted unless the:

(1) terms of the gift, endowment, or payment; and

(2) acceptance of the gift, endowment, or payment;

provide that the officers of the school corporation are not divested of any right or authority that the officers are granted by law.

SECTION 13. IC 20-40-14-2, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Both:

(1) money received **from the proceeds of rental income, or earnings generated by other school corporation activities, or** for specific purposes, by gift, endowment, or under a federal statute; and

(2) any earnings on money received for specific purposes, by gift,



1 endowment, or under a federal statute;
2 may be disbursed without appropriation.

3 SECTION 14. IC 20-40-14-3, AS ADDED BY P.L.2-2006,
4 SECTION 163, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2015]: Sec. 3. A school corporation ~~shall~~ **may**
6 maintain money received **from the proceeds of rental income, or**
7 **earnings generated by other school corporation activities, or** by
8 gift, endowment, or under a federal statute in a special fund as required
9 by law, including IC 20-35-4-7.

10 SECTION 15. [EFFECTIVE JULY 1, 2015] (a) **The general**
11 **assembly urges the legislative council to assign to an existing study**
12 **committee, for study during the 2015 legislative interim, the topic**
13 **of determining appropriate and feasible incentives to encourage**
14 **highly effective teachers to teach in poor performing schools.**

15 **(b) This SECTION expires November 1, 2015.**

